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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO.2 SECTOR-17, PANCHKULA

Order

The 6th March, 2018

No.SEC/3ME/2018/1166.—

Subject :- Disqualification of Sh.Asha Bharti, contesting candidate from Ward No.15 of Municipal Council, Gohana.

The General Election of Municipal Council, Gohana was held on 22.05.2016 and the result of the elected candidates was declared on the same day.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13D of the Haryana Municipal Act, 1973 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/3ME/2015/619, dated 03.06.2015 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure of Rs.1,00,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Gohana and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* Order No.SEC/1ME/2017/2017, dated 01.12.2017 to decide the cases of disqualification of the candidates of the above said municipality, who failed to lodge their account of election expenses.

6. As reported by the Deputy Commissioner, Sonipat, Smt.Asha Bharti had contested the election from Ward No.15 of Municipal Council, Gohana but failed to submit her election expenditure account within the prescribed time or thereafter. The Commission had served a show cause notice upon her to explain as to why she should not be disqualified on account of non submission of election expenditure account within the period. She neither submitted her election expenditure statement nor responded to the show cause notice. I, had given her personal hearing on 26.02.2018 in the PWD Rest House, Sonipat. Sh.Lalit Kumar, Accountant of the Municipal Council, Gohana, represented the Deputy Commissioner Sonipat. The above said candidate appeared for personal hearing and submitted the following:-

“She had file her nomination as covering candidate and did not know that expenditure register has to be maintained and deposit and want to deposit the expenditure register but she had not deposited any expenditure register.”

7. After personal hearing, the order was announced.

8. On perusal of record of the case and after hearing of the candidate, I am satisfied that the above said candidate has failed to lodge an account of election expenditure, within the time and in the manner required by or under this Act. Moreover, above said candidate has submitted no good reason or justification for her failure to submit election expenditure account. Hence, she deserves to be disqualified. I, Parmal Singh, Assistant State Election Commissioner, Haryana, under Section 13D of the Haryana Municipal Act, 1973 read with Section 10A of the Representation of People Act, 1951 hereby order that **Sh. Asha Bharti** is disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Sonipat immediately.

Panchkula:
The 6th March, 2018.

PARMAL SINGH,
Assistant State Election Commissioner, Haryana.